

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN OPEN COURT  
U.S.D.C. - Atlanta

JUL 28 2011

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL INFORMATION  
 :  
 REBECCA MERCER : NO. 1:11-CR-296  
 : SUPERSEDING

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE  
(Wire Fraud - 18 U.S.C. §1343)

INTRODUCTION

At all times material to this information:

1. National Treasury Employees Union (NTEU), Chapter 284 is a labor organization within the meaning of Section 7103 of the Civil Service Reform Act of 1978.

2. NTEU Chapter 284 is a labor organization that represents members employed at the Internal Revenue Service Center in Atlanta, Georgia. Chapter 284's members are Internal Revenue Service administration, tax examiners and support staff.

3. REBECCA MERCER was Treasurer of NTEU Chapter 284 from 2005-2008. During REBECCA MERCER'S tenure as Treasurer of NTEU Chapter 284, the union banked with Bank of America.

4. REBECCA MERCER, as treasurer, was issued a debit card for authorized union purchases. REBECCA MERCER'S debit/credit card account number was xxxx xxxx 9485.

**THE SCHEME AND ARTIFICE TO DEFRAUD**

5. Beginning in or about July 2006 and continuing to in or about June 2008 in the Northern District of Georgia, defendant REBECCA MERCER, did knowingly execute and attempt to execute a scheme to defraud NTEU Chapter 284, and did obtain withdrawals of money belonging to NTEU chapter 284 and use those funds for personal expenses, by means of false and fraudulent pretenses, representations and promises by making unauthorized withdrawals and purchases with the debit card issued to defendant on NTEU's Bank of America bank account.

**THE MANNER AND MEANS**

6. It was part of the scheme that defendant REBECCA MERCER obtained, and caused to be obtained, unauthorized withdrawals and debits via wire communications by using, and causing to be used, automated teller machines (ATMs) and credit card machines.

**EXECUTION OF THE SCHEME TO DEFRAUD**

7. On or about the date set forth below, defendant REBECCA MERCER, for the purpose of executing the aforesaid scheme and artifice to defraud, did cause to be transmitted in interstate commerce, by means of a wire communication, certain signs, signals, and sounds, to obtain unauthorized debit card withdrawals and credit card purchases by means of false and fraudulent pretenses, representations and promises, and intending to do so, the defendant REBECCA MERCER knowingly caused to be transmitted by means of wire

communications, as indicated below, the item described below:

Count	Transaction	Amount	Type of Transaction	Vendor
1	12/24/2007	\$500.00	Withdrawal via Debit Card #xxxx xxxx 9485	Bank of America

In violation of Title 18, United States Code, Section 1343.

#### FORFEITURE PROVISION

Upon conviction of one or more of the offenses alleged in Count One of this Information, defendant BECKY MERCER shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United

States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY

A handwritten signature in cursive script, reading "Bernita B. Malloy", written in black ink.

BERNITA B. MALLOY  
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